

JUDGE BATTS

JS 44C/SDNY  
REV. 12/2005

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

FILE  
6369

## PLAINTIFFS

Naji Hassan  
AHMED

## DEFENDANTS

Andrea Quarantillo, District Director, USCIS  
New York, NY

## ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Sandra P. Nichols Esq., P.C.  
22 Broadway, Suite 1810, New York, NY 10007  
(212) 406-7363

## ATTORNEYS (IF KNOWN)

Sandra P. Nichols

## CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

28 C.F.R. ec. 1331 and 1361

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes? ☐ Judge Previously AssignedIf yes, was this case Vol ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

## ACTIONS UNDER STATUTES

TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	[ ] 610 AGRICULTURE	[ ] 422 APPEAL	[ ] 400 STATE		
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 362 PERSONAL INJURY -	[ ] 620 FOOD & DRUG	28 USC 158	REAPPORTIONMENT		
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT	MED MALPRACTICE	[ ] 625 DRUG RELATED	[ ] 423 WITHDRAWAL	[ ] 410 ANTITRUST		
[ ] 130 MILLER ACT	LIABILITY	[ ] 365 PERSONAL INJURY	SEIZURE OF	28 USC 157	[ ] 430 BANKS & BANKING		
[ ] 140 NEGOTIABLE	[ ] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	PROPERTY		[ ] 450 COMMERCE/ICC		
INSTRUMENT	SLANDER	[ ] 368 ASBESTOS PERSONAL	21 USC 881		RATES/ETC		
[ ] 150 RECOVERY OF	[ ] 330 FEDERAL	INJURY PRODUCT	[ ] 630 LIQUOR LAWS	<b>PROPERTY RIGHTS</b>	[ ] 460 DEPORTATION		
OVERPAYMENT &	EMPLOYERS'	LIABILITY	[ ] 640 RR & TRUCK	[ ] 820 COPYRIGHTS	[ ] 470 RACKETEER INFLU-		
ENFORCEMENT OF	LIABILITY		[ ] 650 AIRLINE REGS	[ ] 830 PATENT	ENCED & CORRUPT		
JUDGMENT	[ ] 340 MARINE	<b>PERSONAL PROPERTY</b>	[ ] 660 OCCUPATIONAL	[ ] 840 TRADEMARK	ORGANIZATION ACT		
[ ] 151 MEDICARE ACT	[ ] 345 MARINE PRODUCT		SAFETY/HEALTH		(RICO)		
[ ] 152 RECOVERY OF	LIABILITY	[ ] 370 OTHER FRAUD	[ ] 690 OTHER	<b>SOCIAL SECURITY</b>	[ ] 480 CONSUMER CREDIT		
DEFAULTED	[ ] 350 MOTOR VEHICLE	[ ] 371 TRUTH IN LENDING		[ ] 861 MIA (1395FF)	[ ] 490 CABLE/SATELLITE TV		
STUDENT LOANS	[ ] 355 MOTOR VEHICLE	[ ] 380 OTHER PERSONAL	<b>LABOR</b>	[ ] 862 BLACK LUNG (923)	[ ] 810 SELECTIVE SERVICE		
(EXCL VETERANS)	PRODUCT LIABILITY	PROPERTY DAMAGE	[ ] 710 FAIR LABOR	[ ] 863 DIWC (405(g))	[ ] 850 SECURITIES/		
[ ] 153 RECOVERY OF	[ ] 360 OTHER PERSONAL	PRODUCT LIABILITY	STANDARDS ACT	[ ] 863 DIWW (405(g))	COMMODITIES/		
OVERPAYMENT OF	INJURY		RELATIONS	[ ] 864 SSID TITLE XVI	EXCHANGE		
VETERANS BENEFITS			[ ] 730 LABOR/MGMT	[ ] 865 RSI (405(g))	[ ] 875 CUSTOMER		
[ ] 160 STOCKHOLDERS SUITS			REPORTING &		CHALLENGE		
[ ] 190 OTHER CONTRACT			DISCLOSURE ACT	<b>FEDERAL TAX SUITS</b>	12 USC 3410		
[ ] 195 CONTRACT PRODUCT			RAILWAY LABOR ACT	[ ] 870 TAXES	[ ] 891 AGRICULTURE ACTS		
LIABILITY			OTHER LABOR	[ ] 871 IRS-THIRD PARTY	[ ] 892 ECONOMIC		
[ ] 196 FRANCHISE			LITIGATION	20 USC 7609	STABILIZATION ACT		
	<b>ACTIONS UNDER STATUTES</b>		[ ] 791 EMPL RET INC		[ ] 893 ENVIRONMENTAL		
	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	SECURITY ACT		MATTERS		
<b>REAL PROPERTY</b>					[ ] 894 ENERGY		
[ ] 210 LAND CONDEMNATION	[ ] 441 VOTING	[ ] 510 MOTIONS TO			ALLOCATION ACT		
[ ] 220 FORECLOSURE	[ ] 442 EMPLOYMENT	VACATE SENTENCE			[ ] 895 FREEDOM OF		
[ ] 230 RENT LEASE &	[ ] 443 HOUSING	28 USC 2255			INFORMATION ACT		
EJECTMENT	ACCOMMODATIONS	[ ] 530 HABEAS CORPUS			UNDER EQUAL ACCESS		
[ ] 240 TORTS TO LAND	[ ] 444 WELFARE	[ ] 535 DEATH PENALTY			TO JUSTICE		
[ ] 246 TORT PRODUCT	[ ] 445 AMERICANS WITH	[ ] 540 MANDAMUS & OTHER			[ ] 950 CONSTITUTIONALITY		
LIABILITY	DISABILITIES -	[ ] 550 CIVIL RIGHTS			OF STATE STATUTES		
[ ] 290 ALL OTHER	EMPLOYMENT	[ ] 555 PRISON CONDITION			OTHER STATUTORY		
REAL PROPERTY	[ ] 446 AMERICANS WITH				ACTIONS		
	DISABILITIES -OTHER						
	[ ] 440 OTHER CIVIL RIGHTS						

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(SEE REVERSE)



(PLACE AN x IN ONE BOX ONLY)

**ORIGIN**  
☒ 1 Original Proceeding    ☐ 2a. Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from (Specify District)    ☐ 6 Multidistrict Litigation    ☐ 7 Appeal to District Judge from Magistrate Judge Judgment  
AND at least one party is a pro se litigant

(PLACE AN x IN ONE BOX ONLY)

**BASIS OF JURISDICTION**  
☐ 1 U.S. PLAINTIFF    ☒ 2 U.S. DEFENDANT    ☐ 3 FEDERAL QUESTION (U.S. NOT A PARTY)    ☐ 4 DIVERSITY

**IF DIVERSITY, INDICATE CITIZENSHIP BELOW. (28 USC 1332, 1441)**

**CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [ ] 1 [ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] 3 [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [ ] 5 [ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2 [ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4 [ ] 4	FOREIGN NATION	[ ] 6 [ ] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

2638 Alexander Place, Augusta, Georgia 30909

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

26 Federal Plaza, New York, NY 10278

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS    ☒ FOLEY SQUARE  
(DO NOT check either box if this a PRISONER PETITION.)

DATE 7/9/07 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

☒ YES (DATE ADMITTED Mo. \_\_\_\_\_ Yr. \_\_\_\_\_)

Attorney Bar Code # 8553

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

J Michael McMahon, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Naji Hassan Ahmed  
Plaintiff,

v.

Andrea Quarantillo,  
District Director, USCIS  
New York, New York

Defendant.

Civil Action No.

**COMPLAINT FOR MANDAMUS**

To the Honorable Judge of Said Court:

**INTRODUCTION:**

This action is brought by the Plaintiffs to compel the Defendant to adjudicate the application by Naji Hassan Ahmed for his naturalization. The application has been on file with the United States Citizenship and Immigration Services ("USCIS") since October 30, 2003, and the defendant has refused to complete the case. The Defendant has no legitimate explanation for this delay.

**PARTIES:**

1. The Plaintiff is a citizen of Sudan, lawfully admitted for permanent residence in October 21, 1998. He currently resides at 2638 Alexander Place, Atlanta, GA 30909, where he has a medical fellowship in neonatology at the Medical College of Georgia. However, he continues to maintain his legal residence in New York.

2. The Defendant is the officer of the USCIS, an agency within the U. S. Department of Homeland Security, who is charged by law with the obligation of adjudicating applications by aliens lawfully admitted for permanent residence—such as Plaintiff—for naturalization as United States citizens.

**JURISDICTION:**

4. This is a civil action brought pursuant to 28 USC secs. 1331 and 1361 to redress the



deprivation of rights, privileges and immunities secured to Plaintiff, by which jurisdiction is conferred, to compel Defendant and those working under him to perform duties he owes to the Plaintiffs.

5. Jurisdiction is also conferred by 5 USC sec. 704. Plaintiffs are aggrieved by adverse agency action in this case, as the Administrative Procedures Act requires in order to confer jurisdiction on the District Courts. 5 USC secs. 702 *et seq.*

6. The aid of the Court is invoked under 28 USC secs. 2201 and 2202, authorizing a declaratory judgment.

7. Costs and attorneys fees will be sought pursuant to the Equal Access to Justice Act, 5 USC sec. 504, and 28 USC 2412(d), *et seq.*

#### **VENUE:**

8. Venue is proper in New York, New York and the Southern District of New York since the Defendant District Director has her principal place of business there. Furthermore, the Plaintiff was interviewed in New York.

#### **REMEDY SOUGHT:**

9. Plaintiff seeks to have the Court compel the District Director of the USCIS to adjudicate the N-400 application for naturalization which the Plaintiff filed with the Defendant in October 2003.

#### **CAUSE OF ACTION:**

10. Although the Defendant has acknowledged that the naturalization case is filed and pending with her office, and although she has been requested on numerous occasions to proceed with the case and complete it, she has continuously failed and refused to do so. She has stated that the case can not move forward until the investigation is complete.

11. There is no reason that Plaintiff is disqualified for naturalization. Even though the District Director may wish to investigate the case, there is no reason for the investigation to take this long.

14. Plaintiffs asserts that the Defendant has no legal basis for failing to proceed with the case.

15. Plaintiffs have no administrative remedies. There are no administrative remedies provided for neglect of duty.

16. Furthermore, the District Director, by failing to adjudicate the application, is denying the Plaintiff the right to have the denial reviewed by this court.

17. Mandamus is appropriate because there is no other remedy at law. But Plaintiffs seek